

BEFORE THE  
BOARD OF MEDICAL EXAMINERS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

JOSEPH F. KRAMER, M.D.  
Truman's Mountain Vista Farm  
3020 Farm Springs Road  
Glen Ellen, California

Certificate C-21923

Respondent.

No. D-1363

N 1496

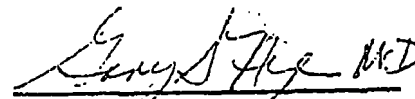
DECISION

The attached Proposed Decision of the Hearing Officer is  
hereby adopted by the Board of Medical Examiners  
as its Decision in the above-entitled matter.

This Decision shall become effective on August 15, 1973.

IT IS SO ORDERED July 16, 1973.

BOARD OF MEDICAL EXAMINERS



GARY S. MYE, M.D.  
Secretary-Treasurer

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Respondent.

PROPOSED DECISION

This matter came on regularly for hearing before Philip J. Hanley, a Hearing Officer of the Office of Administrative Hearings, on April 11, 1973, in Sacramento, California.

Complainant William Fawx was represented by Joel S. Primes, Deputy Attorney General.

Respondent Joseph F. Kramer was neither present nor represented.

Oral and documentary evidence was received. The record was held open so that the respondent could submit affidavits. An affidavit was received May 2, 1973, and was marked as an exhibit. The record was thereupon closed and the matter deemed submitted. After due consideration, the Hearing Officer makes the following proposed decision:

## FINDINGS OF FACT

I

Complainant William Fawx was Executive Secretary of the Board of Medical Examiners at the time of the accusation herein. He filed the accusation in his official capacity.

II

Respondent was issued certificate number C-21923 on July 8, 1960, to act as a physician and surgeon in the State of California. Since that time his certificate has been in full force and effect.

III

On June 13, 1971, in Sacramento, and on July 2, 1971, in Lodi, California, respondent used alcoholic beverages to the extent as to be dangerous and injurious to himself and others and to the public, and to the extent that such use impaired his ability to conduct with safety to the public the practice of medicine. Since his discharge from the United States Army in April, 1971, respondent used alcoholic beverages to such an extent and in such a manner as to be dangerous and injurious to himself and to others, and to the public, and to the extent that such use impaired his ability to practice medicine with safety to the public. On December 1, 1971, respondent voluntarily entered Truman's Mountain Vista Farm, Glen Ellen, California, a private sanitarium for compulsive drinkers. There was no evidence that the respondent practiced medicine during the June-December, 1971 period.

IV

Respondent has been arrested for two misdemeanors involving the use of alcoholic beverages:

1. On June 14, 1971, in the Municipal Court, Sacramento Municipal Court District, respondent was convicted of a misdemeanor violation of Penal Code Section 647f (drunk in a public place). Respondent was sentenced to 40 days in jail, which sentence was suspended upon certain terms and conditions.

2. On July 16, 1971, in the Municipal Court for the Lodi Judicial District, respondent forfeited bail of \$65.00 after being arrested for a violation of Penal Code Section 647f (drunk in a public place), but was not convicted of such offense.

V

Respondent's affidavit of April 27, 1973, was received May 2, 1973. The respondent states that he has been practicing medicine in Washington State since May, 1972. The affiant states he has specialized in radiology since November, 1972. The affiant says he has not consumed any alcohol since his arrival in Washington and that he has not been in violation of any law. The affiant says he serves as medical advisor to a county council on alcoholism and that he is a member of the newly formed Governor's Advisory Council on Alcoholism.

Such affidavit is insufficient to establish rehabilitation.

#### DETERMINATION OF ISSUES

Evidence establishes that the respondent has committed acts constituting unprofessional conduct with respect to use of alcoholic beverages and is therefore subject to disciplinary

action pursuant to Sections 2360 and 2390, Business and Professions Code.

11

Evidence fails to establish that the respondent has been convicted of more than one misdemeanor involving the use of alcoholic beverages.


ORDER

1. The allegations of the accusation charging more than one misdemeanor conviction involving use of alcoholic beverages are dismissed.

2. Certificate C-21923 issued to the respondent is revoked for the remaining cause of discipline found to be true. Such revocation is stayed for one year from the effective date of this decision so that the respondent may in person, or by affidavits and other documents, present to the Board of Medical Examiners evidence to establish his rehabilitation and current competence. If the respondent personally appears or presents such evidence so as to establish his rehabilitation and competence the Board may modify the order herein. If the respondent fails to so act within the year, or if evidence presented does not establish his rehabilitation and competence the order of revocation shall become fully effective. As a further condition of the stay order, the respondent shall not practice medicine in California during the year specified.

The foregoing constitutes my proposed decision in this matter. I recommend its adoption as the decision of the Board of Medical Examiners of the State of California.

DATED: May 10, 1973.

  
PHILIP J. HANLEY, Hearing Officer

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10 OF MEDICAL EXAMINERS

11 BEFORE THE  
12 BOARD OF MEDICAL EXAMINERS  
13 DEPARTMENT OF CONSUMER AFFAIRS  
14 STATE OF CALIFORNIA

15 In the Matter of the  
16 Accusation Against:

17 JOSEPH F. KRAMER, M.D.  
18 Truman's Mountain Vista Farm  
19 3020 Farm Springs Road  
20 Glen Ellen, California

21 Certificate C-21923

22 Respondent.

No. D-1363

ACCUSATION

23 COMPLAINANT, WILLIAM FAWX, as cause for disciplinary  
24 action against the above named respondent charges as follows:

25 I

26 Complainant, William Fawx, is the Executive Secretary  
27 of the Board of Medical Examiners of the State of California,  
28 and makes this Accusation in such official capacity.

29 II

30 Respondent was issued certificate number C-21923  
31 on or about July 8, 1960, to act as a physician and surgeon  
in the State of California and since that time his certificate  
has been in full force and effect.

III

Business and Professions Code section 2390 provides:

1.

1 "The use or prescribing for or administering to  
2 himself, of any of the narcotics specified in Sections  
3 11001 or 11002 of the Health and Safety Code; or the  
4 use of any of the dangerous drugs specified in  
5 Section 4211 of this code, or of alcoholic beverages  
6 to the extent, or in such manner as to be dangerous  
7 or injurious to a person holding a certificate under  
8 this chapter, or to any other person or to the public,  
9 or to the extent that such use impairs the ability of  
such person so holding such a certificate to conduct  
with safety to the public the practice authorized by  
such certificate or the conviction of more than one  
misdemeanor or any felony involving the use, con-  
sumption or self-administration of any of the sub-  
stances referred to in this section or any combination  
thereof, constitutes unprofessional conduct within  
the meaning of this chapter."

10 IV

11 Respondent has violated Business and Professions Code  
12 section 2390 in that on June 13, 1971, in the Greyhound Bus  
13 Depot in Sacramento, and on July 2, 1971, at 710 South  
14 Cherokee Lane, Lodi, California, he used alcoholic beverages  
15 to the extent and in such manner as to be dangerous and in-  
16 jurious to himself and to others and to the public and to the  
17 extent that such use impaired his ability to conduct with  
18 safety to the public the practice of medicine. Furthermore,  
19 since his discharge from the United States Army in April 1971,  
20 respondent has used alcoholic beverages to such an extent and  
21 in such a manner as to be dangerous and injurious to himself  
22 and to others, and to the public, and to the extent that such  
23 use impairs his ability to practice medicine with safety to  
24 the public. On December 1, 1971, respondent voluntarily entered  
25 Truman's Mountain Vista Farm, Glen Ellen, California, a private  
26 sanitarium for compulsive drinkers.

27 FOR A SECOND, SEPARATE AND DISTINCT CAUSE FOR  
28 DISCIPLINARY ACTION, COMPLAINANT ALLEGES AS FOLLOWS:

29 I

30 Paragraphs I, II, and III of the First Cause for  
31 Disciplinary Action are incorporated herein and made a part of  
32 the Second Cause for Disciplinary Action.



II


Respondent has violated Business and Professions Code section 2390 in that he has suffered the conviction of more than one misdemeanor involving the use of alcoholic beverages:

A. On or about June 14, 1971, in the Municipal Court, Sacramento Municipal Court District, County of Sacramento, respondent was convicted of a misdemeanor violation of Penal Code section 647f (drunk in a public place). Respondent was ordered to serve 40 days in the county jail; however, said sentence was ordered suspended by the court upon certain terms and conditions.

B. On or about July 16, 1971, in the Municipal Court of the State of California for the Lodi Judicial District, County of San Joaquin, respondent forfeited bail of \$65.00 after being arrested for a violation of Penal Code section 647f (drunk in a public place).

WHEREFORE, complainant prays that the Board of Medical Examiners of the State of California hold a hearing and upon proof of any or all of the charges contained herein suspend or revoke respondent's certificate separately and severally on each charge herein and take such other action as the Board deems proper.

Dated: March 21, 1972

  
WILLIAM FAWX  
Executive Secretary, Board of  
Medical Examiners.